

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:00CR267
vs.)	
)	ORDER
BRANDON J. MICEK,)	
)	
Defendant.)	

Defendant Brandon J. Micek (Micek) appeared before the court on May 3, 2007, on the Petition for Warrant or Summons for Offender Under Supervision (Report) (Filing No. 52). Micek was represented by retained counsel, Adam J. Sipple, and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. Through his counsel, Micek waived his right to a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Report alleges probable cause, and Micek should be held to answer for a final dispositional hearing before Chief Judge Joseph F. Bataillon.

The government moved for detention. Micek requested a detention hearing.

Micek again appeared before the court on May 8, 2007, for a detention hearing. Micek was represented by Adam J. Sipple and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. The government withdrew the request for detention. While it is Micek's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds there are conditions of release which would carry Micek's burden in this matter. Accordingly, Micek will be released on conditions pending his dispositional hearing.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Joseph F. Bataillon in Courtroom No. 3m , Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:00 a.m. on May 25, 2007**. Defendant must be present in person.

2. Pending the dispositional hearing, Micek will be placed on conditions of release as set forth in a separate order of release.

DATED this 8th day of May, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge